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Spencer D. Plummer III

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 GREGORY R. RAIFMAN, individually and as
11 Trustee of the RAIFMAN FAMILY
12 REVOCABLE TRUST DATED 7/2/03,
13 SUSAN RAIFMAN, individually and as
14 Trustee of the RAIFMAN FAMILY
REVOCABLE TRUST DATED 7/2/03, and
GEKKO HOLDINGS, LLC, an Alaska limited
liability company, dba GEKKO BREEDING
AND RACING.

15 Plaintiffs.

16 V.

17 CLASSICSTAR, LLC, a Utah limited liability
18 company, CLASSICSTAR FARMS, LLC, a
19 Kentucky limited liability company,
20 BUFFALO RANCH, a business entity form
unknown, GEOSTAR CORPORATION, a
21 Delaware corporation, S. DAVID PLUMMER,
SPENCER D. PLUMMER III, TONY
22 FERGUSON, THOMAS ROBINSON, JOHN
PARROT, HANDLER, THAYER &
DUGGAN, LLC, an Illinois Limited Liability
23 Company, THOMAS J. HANDLER,
KAREN, HENDRIX, STAGG, ALLEN &
COMPANY, P.C., a Utah professional
24 corporation f/k/a KAREN, HENDRIX &
ASSOCIATES, P.C., a Utah professional
corporation, TERRY L. GREEN, and DOES 1-
25 1000 inclusive.

26 Defendants.

Case No. C 07-2552 EDL

[PROPOSED]

**ORDER GRANTING MOTION TO
DISMISS FOR FAILURE TO STATE A
CLAIM UPON WHICH RELIEF MAY
BE GRANTED**

The motion of defendant Spencer D. Plummer III (“Spencer Plummer”) for dismissal pursuant to Fed. R. Civ. P. 12(b)(6) came on regularly for hearing before this Court on July 31, 2007, at 9:00 a.m. Counsel of record for Spencer Plummer and for the plaintiffs offered argument.

After full consideration of the pleadings and papers filed by the parties and oral argument,

IT IS HEREBY ORDERED that Spencer Plummer's Motion to Dismiss for Failure to State a Claim Upon Which Relief may be Granted is GRANTED, and all claims alleged against Spencer Plummer are dismissed, with prejudice.

DATED: , 2007.

Elizabeth D. Laporte
United States Magistrate Judge